

#### **Public Health Department**

**Environmental Health** 202 Mira Loma Drive Oroville, California 95965 Cathy A. Raevsky, Director Andy Miller, M.D., Health Officer

T: 530.552.3880 F: 530.538.5339

buttecounty.net/publichealth

February 25, 2019

Feather Ridge Estates Attn: Keith and Sue Mullin P.O. Box 153 Berry Creek, CA 95916

CITATION NO. 01\_34\_19C\_001\_0400081\_3

RE: FEATHER RIDGE ESTATES, PWS #04-00081
FAILURE TO PERFORM REQUIRED IRON QUARTERLY SAMPLING

Enclosed is Citation No. 01\_34\_19C\_001\_0400081\_3 (hereinafter "Citation"), issued to the Feather Ridge Estates (hereinafter "System"), public water system. Please note that there are legally enforceable deadlines associated with this Citation. The Butte County Division of Environmental Health hereby issues a Citation for failure to collect and report the required results, as per California Code of Regulations (CCR) Title 22, for the following:

 Iron monitoring requirements per California Code of Regulations Title 22, Article 4, Section 64449 for the SECOND & FOURTH Quarter (July-Sept) of 2018.

Specifically, the Feather Ridge Estates water system failed to submit the required quarterly reports for the above mentioned analysis for the **SECOND & FOURTH QUARTERS** (Apr-Jun & Oct-Dec) of 2018. A report of sample results should have been submitted to this office no later than the 10th day of the following month.

Any further failure to collect the required samples and report the results to this Department constitutes a separate violation. Another violation will result in additional enforcement fees and further enforcement actions.

Since monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation [California Code of Regulations, Title 22, Chapter 15, Section 64463.7(b)]. Each water system required to give public notice must submit the notice to this office for approval prior to distribution or posting, unless otherwise directed by the DDW [64463(b)]. Due to it being a Tier 3 notice, you have the option of noting this in your annual Consumer Confidence Report.

Any person who is aggrieved by a citation, order or decision issued <u>under authority delegated to an officer or employee of the State Water Board</u> under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4), may file a petition with the State Water Board for reconsideration of the citation, order or decision. Appendix 1 to the enclosed Citation contains the relevant statutory provisions for filing a petition for reconsideration (CHSC, Section 116701).

Petitions must be received by the State Water Board within 30 days of the issuance of the citation, order or decision by the officer or employee of the State Water Board. The date of issuance is



the date when the Division of Drinking Water mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m.

Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking water/programs/petitions/index.shtml

If you have any questions regarding this matter, please contact me at 530.552.3864 or at the address above.

Sincerely,

K

Jenifer Kovacs, REHS

**Enclosures** 

Certified Mail No. 7011 2970 0003 9130 4557

cc: Keith and Sue Mullin, System Manager; Kevin Timms, Certified Operator; Reese Crenshaw, Valley District Engineer- SWRCB Division of Drinking Water

#### **BUTTE COUNTY PUBLIC HEATH**

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**ENVIRONMENTAL HEALTH DIVISION** 

Name of Public Water System: Feather Ridge Estates Water System

Water System No: 04-00081

Attention: Keith & Sue Mullin

P.O. Box 153

Berry Creek, CA 95916

February 25, 2019

### CITATION FOR NONCOMPLIANCE WITH CALIFORNIA HEALTH AND SAFETY CODE, SECTION 116555(a)(1) AND CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64449

### IRON MONITORING VIOLATION **CALENDAR YEAR 2018**

The California Health and Safety Code (hereinafter "CHSC"), Section 116650 authorizes the Butte County Environmental Health (hereinafter "Department"), acting by and through its primacy delegation from the State Water Resources Control Board (State Water Board), to issue a citation to a public water system when the Department determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter "California SDWA"), (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or order issued or adopted thereunder.

The Department acting by and through its primacy delegation from the State Water Board, hereby issues Citation No. 01\_34\_19C\_001\_0400081\_3 (hereinafter "Citation"), pursuant to Section 116650 of the CHSC to the Feather Ridge Estates (hereinafter "System"), for violation of CHSC, Section 116555(a)(1) and California Code of Regulations (hereinafter "CCR"), Title 22, Section 64449 Secondary Maximum Contaminant Levels and Compliance.

A copy of the applicable statutes and regulations are included in Appendix 1, which is attached hereto and incorporated by reference.

#### STATEMENT OF FACTS

The System is classified as a community public water system with a population of 15, serving 38 connections.

CHSC, Section 116555(a)(1) requires all public water systems to comply with primary drinking water standards as defined in CHSC, Section 116275(c). Primary drinking water standards include maximum levels of contaminants and the monitoring and reporting requirements as specified in regulations adopted by the State Water Board that pertain to maximum contaminant levels.

Pursuant to CCR, Title 22, Section 64449, the System is required to collect one sample quarterly for iron testing from each source. During the 2018 compliance period, the System failed to collect an iron sample during the second and fourth quarters of 2018.

#### DETERMINATION

The Department has determined that the System has failed to comply with primary drinking water standards pursuant to CHSC, Section 116555(a)(1) and iron monitoring requirements pursuant to CCR, Title 22, Sections 64449.

DIRECTIVES

1. Within 30 days of this citation date, notify all persons served by the System of the violation of CCR, Title 22, Section 64449, in conformance with Sections 64463.4(b) and (c) and 64465. Copies of Sections 64463.4 and 64465 are included in Appendix 1. Contents of Appendix 2: Notification Template shall be approved by the Department prior to issuance. The System must edit the wording of the sample notification as necessary. The notification shall be completed in accordance with the following:

- By mail or direct delivery of the Public Notification to each customer served by the water system and;
- By one of the following secondary methods to reach persons not likely to be reached by mail or direct delivery;
  - By publication in a local newspaper, by delivery to community organizations or by posting in conspicuous public places served by the water system or on the internet.
    If the water system opts to issue the notice via internet website, the public notice shall remain posted for a minimum of seven (7) consecutive days.
- Complete Appendix 3: Compliance Certification Form. Submit it together with a copy of the public notification required by Directive 1 to the Department within 10 days of giving public notice.
- 3. The System shall ensure that monitoring is conducted quarterly for iron from all its active sources and that the laboratory, which conducts the analysis, submits the analytical results electronically to the Department by the approved method no later than the 10<sup>th</sup> day of the month following completion of the analyses. The System shall collect and report the 2018 quarterly iron sample results within 30 days of this citation.

4. The System shall include this violation in the 2018 Consumer Confidence Report in 1 accordance with CCR, Title 22, Section 64481(g)(1). 2 3 All submittals required by this Citation, with exception of analytical results, shall be submitted to the 4 Department at the following address. The subject line for all electronic submittals corresponding to 5 this Citation shall include the following information: Water System name and number, citation 6 7 number and title of the document being submitted. 8 **Butte County Environmental Health** 9 10 Attn: Amanda Aguiar 11 202 Mira Loma Dr. 12 Oroville, CA 95965 (530) 552-3853 (phone) (530) 538-5339 (fax) 13 14 15 The Department reserves the right to make modifications to this Citation as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this 16 17 Citation and shall be effective upon issuance. 18 Nothing in this Citation relieves the System of its obligation to meet the requirements of the 19 20 California SDWA (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or 21 any regulation, standard, permit or order issued or adopted thereunder. 22 **PARTIES BOUND** 23 24 This Citation shall apply to and be binding upon the System, its owners, shareholders, officers, 25 directors, agents, employees, contractors, successors, and assignees. 26 27 28

#### **SEVERABILITY**

The directives of this Citation are severable, and the System shall comply with each and every provision thereof notwithstanding the effectiveness of any provision.

#### **FURTHER ENFORCEMENT ACTION**

The California SDWA authorizes the Department, pursuant to authority delegated by the State Water Board, to: issue a citation or order with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit, standard, citation, or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. Pursuant to its delegated authority, the California SDWA also authorizes the Department to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with a citation or order of the Department, and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with a citation or order of the Department. The Department does not waive any further enforcement action by issuance of this Citation.

Elaine McSpadden Date
Division Director

Environmental Health Butte County Public Health

#### Appendices 3:

- 1. Applicable Statutes and Regulations
- 2. Notification Template
- 3. Compliance Certification Form

Certified Mail No. 7011 2970 0003 9130 4557

Citation No. 01\_34\_19C\_001\_0400081\_3

1 CC: Keith and Sue Mullin, System Managers; Kevin Timms, Certified Operator; Reese

Crenshaw, Valley District Engineer- SWRCB Division of Drinking Water

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# APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS FOR CITATION NO. 01\_34\_19C\_001\_0400081\_3 Iron Monitoring Violation

NOTE: The following language is provided for the convenience of the recipient, and cannot be relied upon as the State of California's representation of the law. The published codes are the only official representation of the law. Regulations related to drinking water are in Titles 22 and 17 of the California Code of Regulations. Statutes related to drinking water are in the Health & Safety Code, the Water Code, and other codes.

#### California Health and Safety Code (CHSC):

#### Section 116271. Transition of CDPH duties to State Board states in relevant part

- (a) The state board succeeds to and is vested with all of the authority, duties, powers, purposes, functions, responsibilities, and jurisdiction of the State Department of Public Health, its predecessors, and its director for purposes of all of the following:
  - (1) The Environmental Laboratory Accreditation Act (Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101).
  - (2) Article 3 (commencing with Section 106875) of Chapter 4 of Part 1.
  - (3) Article 1 (commencing with Section 115825) of Chapter 5 of Part 10.
  - (4) This chapter and the Safe Drinking Water State Revolving Fund Law of 1997 (Chapter 4.5 (commencing with Section 116760)).
  - (5) Article 2 (commencing with Section 116800), Article 3 (commencing with Section 116825), and Article 4 (commencing with Section 116875) of Chapter 5.
  - (6) Chapter 7 (commencing with Section 116975).
  - (7) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Division 43 (commencing with Section 75001) of the Public Resources Code).
  - (8) The Water Recycling Law (Chapter 7 (commencing with Section 13500) of Division 7 of the Water Code).
  - (9) Chapter 7.3 (commencing with Section 13560) of Division 7 of the Water Code.
  - (10) The California Safe Drinking Water Bond Law of 1976 (Chapter 10.5 (commencing with Section 13850) of Division 7 of the Water Code).
  - (11) Wholesale Regional Water System Security and Reliability Act (Division 20.5 (commencing with Section 73500) of the Water Code).
  - (12) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Division 26.5 (commencing with Section 79500) of the Water Code).
- (b) The state board shall maintain a drinking water program and carry out the duties, responsibilities, and functions described in this section. Statutory reference to "department," "state department," or "director" regarding a function transferred to the state board shall refer to the state board. This section does not impair the authority of a local health officer to enforce this chapter or a county's election not to enforce this chapter, as provided in Section 116500...

. (k)

- (1) The state board shall appoint a deputy director who reports to the executive director to oversee the issuance and enforcement of public water system permits and other duties as appropriate. The deputy director shall have public health expertise.
- (2) The deputy director is delegated the state board's authority to provide notice, approve notice content, approve emergency notification plans, and take other action pursuant to Article 5 (commencing with Section 116450), to issue, renew, reissue, revise, amend, or deny any public water system permits pursuant to Article 7 (commencing with Section 116525), to suspend or revoke any public water system permit pursuant to Article 8 (commencing with Section 116625), and to issue citations, assess penalties, or issue orders pursuant to Article 9 (commencing with Section 116650). Decisions and actions of the deputy director taken pursuant

to Article 5 (commencing with Section 116450) or Article 7 (commencing with Section 116525) are deemed decisions and actions taken by the state board, but are not subject to reconsideration by the state board except as provided in Section 116540. Decisions and actions of the deputy director taken pursuant to Article 8 (commencing with Section 116625) and Article 9 (commencing with Section 116650) are deemed decisions and actions taken by the state board, but any aggrieved person may petition the state board for reconsideration of the decision or action. This subdivision is not a limitation on the state board's authority to delegate any other powers and duties.

#### Section 116275. Definitions states in relevant part:

- (c) "Primary drinking water standards" means:
- (1) Maximum levels of contaminants that, in the judgment of the state board, may have an adverse effect on the health of persons.
- (2) Specific treatment techniques adopted by the state board in lieu of maximum contaminant levels pursuant to subdivision (j) of Section 116365.
- (3) The monitoring and reporting requirements as specified in regulations adopted by the state board that pertain to maximum contaminant levels.

#### Section 116555. Operational requirements states in relevant part:

- (a) Any person who owns a public water system shall ensure that the system does all of the following:
  - (1) Complies with primary and secondary drinking water standards.
  - (2) Will not be subject to backflow under normal operating conditions.
- (3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

#### Section 116577. Enforcement fee states:

- (a) Each public water system shall reimburse the state board for actual costs incurred by the state board for any of the following enforcement activities related to that water system:
  - (1) Preparing, issuing, and monitoring compliance with, an order or a citation.
  - (2) Preparing and issuing public notification.
  - (3) Conducting a hearing pursuant to Section 116625.
- (b) The state board shall submit an invoice for these enforcement costs to the public water system that requires payment before September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the state board. The costs set forth in the invoice shall not exceed the total actual costs to the state board of enforcement activities specified in this section.
- (c) Notwithstanding the reimbursement of enforcement costs of the local primacy agency pursuant to subdivision (a) of Section 116595 by a public water system under the jurisdiction of the local primacy agency, a public water system shall also reimburse enforcement costs, if any, incurred by the state board pursuant to this section.
- (d) "Enforcement costs," as used in this section, does not include "litigation costs" pursuant to Section 116585.
- (e) The state board shall not be entitled to enforcement costs pursuant to this section if a court determines that enforcement activities were in error.
- (f) Payment of the invoice shall be made within 90 days of the date of the invoice. Failure to pay the invoice within 90 days shall result in a 10-percent late penalty that shall be paid in addition to the invoiced amount.
- (g) The state board may, at its sole discretion, waive payment by a public water system of all or any part of the invoice or penalty.

#### Section 116625. Revocation and suspension of permits states:

(a) The state board, after providing notice to the permittee and opportunity for a hearing, may suspend or revoke any permit issued pursuant to this chapter if the state board determines

pursuant to the hearing that the permittee is not complying with the permit, this chapter, or any regulation, standard, or order issued or adopted thereunder, or that the permittee has made a false statement or representation on any application, record, or report maintained or submitted for purposes of compliance with this chapter. If the permittee does not request a hearing within the period specified in the notice, the state board may suspend or revoke the permit without a hearing. If the permittee submits a timely request for a hearing, the hearing shall be before the state board or a member of the state board, in accordance with Section 183 of the Water Code and the rules for adjudicative proceedings adopted under Section 185 of the Water Code. If the permit at issue has been temporarily suspended pursuant to subdivision (b), the notice shall be provided within 15 days of the effective date of the temporary suspension order. The commencement of the hearing under this subdivision shall be as soon as practicable, but no later than 60 days after the effective date of the temporary suspension order, unless the state board grants an extension of the 60 day period upon request of the permittee.

(b) The state board may temporarily suspend any permit issued pursuant to this chapter before any hearing when the action is necessary to prevent an imminent or substantial danger to health. The state board shall notify the permittee of the temporary suspension and the effective date of the temporary suspension and, at the same time, notify the permittee that a hearing has been scheduled. The hearing shall be held as soon as possible, but not later than 15 days after the effective date of the temporary suspension unless the state board grants an extension of the 15 day period upon request of the permittee, and shall deal only with the issue of whether the temporary suspension shall remain in place pending a hearing under subdivision (a). The hearing shall be conducted under the rules for adjudicative proceedings adopted by the state board under Section 185 of the Water Code. The temporary suspension shall remain in effect until the hearing under this subdivision is completed and the state board has made a final determination on the temporary suspension, which shall be made within 15 days after the completion of the hearing unless the state board grants an extension of the 15 day period upon request of the permittee. If the determination is not transmitted within 15 days after the hearing is completed, or any extension of this period requested by the permittee, the temporary suspension shall be of no further effect. Dissolution of the temporary suspension does not deprive the state board of jurisdiction to proceed with a hearing on the merits under subdivision (a).

#### Section 116650. Citations states:

- (a) If the state board determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the state board may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.
- (b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.
- (c) A citation may specify a date for elimination or correction of the condition constituting the violation.
  - (d) A citation may include the assessment of a penalty as specified in subdivision (e).
- (e) The state board may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation and shall be in addition to any liability or penalty imposed under any other law.

#### Section 116701. Petitions to Orders and Decisions states:

- (1) Within 30 days of issuance of an order or decision under authority delegated to an officer or employee of the state board under Article 8 (commencing with Section 116625) or Article 9 (commencing with Section 116650), an aggrieved person may petition the state board for reconsideration.
- (2) Within 30 days of issuance of an order or decision under authority delegated to an officer or employee of the state board under Section 116540, the applicant may petition the state board for reconsideration.
- (3) Within 30 days of final action by an officer or employee of the state board acting under delegated authority, the owner of a laboratory that was the subject of the final action may petition the state board for reconsideration of any of the following actions:
  - (A) Denial of an application for certification or accreditation under Section 100855.
  - (B) Issuance of an order directing compliance under Section 100875.
  - (C) Issuance of a citation under Section 100880.
  - (D) Assessment of a penalty under subdivision (e) of Section 100880.
- (b) The petition shall include the name and address of the petitioner, a copy of the order or decision for which the petitioner seeks reconsideration, identification of the reason the petitioner alleges the issuance of the order was inappropriate or improper, the specific action the petitioner requests, and other information as the state board may prescribe. The petition shall be accompanied by a statement of points and authorities of the legal issues raised by the petition.
- (c) The evidence before the state board shall consist of the record before the officer or employee who issued the order or decision and any other relevant evidence that, in the judgment of the state board, should be considered to implement the policies of this chapter. The state board may, in its discretion, hold a hearing for receipt of additional evidence.
- (d) The state board may refuse to reconsider the order or decision if the petition fails to raise substantial issues that are appropriate for review, may deny the petition upon a determination that the issuance of the order or decision was appropriate and proper, may set aside or modify the order or decision, or take other appropriate action. The state board's action pursuant to this subdivision shall constitute the state board's completion of its reconsideration.
- (e) The state board, upon notice and hearing, if a hearing is held, may stay in whole or in part the effect of the order or decision subject to the petition for reconsideration.
- (f) If an order or decision is subject to reconsideration under this section, the filing of a petition for reconsideration is an administrative remedy that must be exhausted before filing a petition for writ of mandate under Section 100920.5 or 116700.

#### California Code of Regulations (CCR), Title 22:

#### §64449. Secondary Maximum Contaminant Levels and Compliance.

(a) The secondary MCLs shown in Tables 64449-A and 64449-B shall not be exceeded in the water supplied to the public by community water systems.

# Table 64449-A Secondary Maximum Contaminant Levels \*\*Contaminant Levels/Units\*\*

Maximum Contaminant Levels/Units
0.2 mg/L
15 Units
1.0 mg/L
0.5 mg/L
0.3 mg/L
0.05 mg/L
0.005 mg/L
3 Units

Silver	0.1 mg/L
Thiobencarb	0.001 mg/L
Turbidity	5 Units
Zinc	5.0 mg/L

#### Table 64449-B Secondary Maximum Contaminant Levels

"Consumer Acceptance Contaminant Level Ranges" Maximum Contaminant Level Ranges

Constituent, Units Total Dissolved Solids, mg/L	Recommended	Upper	Short Term
	500	1,000	1,500
or Specific Conductance, µS/cm	900	1,600	2,200
Chloride, mg/L	250	500	600
Sulfate, mg/L	250	500	600

- (c) If the level of any constituent in Table 64449-A exceeds an MCL, the community water system shall proceed as follows:
- (1) If monitoring quarterly, determine compliance by a running annual average of four quarterly samples;
- (2) If monitoring less than quarterly, initiate quarterly monitoring and determine compliance on the basis of an average of the initial sample and the next three consecutive quarterly samples collected;
- (3) If a violation has occurred (average of four consecutive quarterly samples exceeds an MCL), inform the State Board when reporting pursuant to Section 64469;
- (4) After one year of quarterly monitoring during which all the results are below the MCL and the results do not indicate any trend toward exceeding the MCL, the system may request the State Board to allow a reduced monitoring frequency.
- (d) For the constituents shown on Table 64449-B, no fixed consumer acceptance contaminant level has been established.
- (1) Constituent concentrations lower than the Recommended contaminant level are desirable for a higher degree of consumer acceptance.
- (2) Constituent concentrations ranging to the Upper contaminant level are acceptable if it is neither reasonable nor feasible to provide more suitable waters.
- (3) Constituent concentrations ranging to the short term contaminant levelare acceptable only for existing community water systems on a temporary basis pending construction of treatment facilities or development of acceptable new water sources.
- (e) New services from community water systems serving water which carries constituent concentrations between the Upper and Short Term contaminant levels shall be approved only:
- (1) If adequate progress is being demonstrated toward providing water of improved mineral quality.
- (2) For other compelling reasons approved by the State Board.
- (f) A community water system may apply to the State Board for a waiver from the monitoring frequencies specified in subsection (b), if the system has conducted at least three rounds of monitoring (three periods for groundwater sources or three years for approved surface water sources) and these analytical results are less than the MCLs. The water system shall specify the basis for its request. A system with a waiver shall collect a minimum of one sample per source while the waiver is in effect and the term of the waiver shall not exceed one compliance cycle (i.e., nine years).
- (g) Nontransient-noncommunity and transient-noncommunity water systems shall monitor their sources or distribution system entry points representative of the effluent of source treatment for bicarbonate, carbonate, and hydroxide alkalinity, calcium, iron, magnesium, manganese, pH, specific conductance, sodium, and total hardness at least once. In addition, nontransient-noncommunity water systems shall monitor for the constituents in Tables 64449-A and B at least once.

#### Section 64463. General Public Notification Requirements states:

- (a) Each public (community, nontransient-noncommunity and transient-noncommunity) water system shall give public notice to persons served by the water system pursuant to this article.
- (b) Each water system required to give public notice shall submit the notice to the State Board, in English, for approval prior to distribution or posting, unless otherwise directed by the State Board
- (c) Each wholesaler shall give public notice to the owner or operator of each of its retailer systems. A retailer is responsible for providing public notice to the persons it serves. If the retailer arranges for the wholesaler to provide the notification, the retailer shall notify the State Board prior to the notice being given.
- (d) Each water system that has a violation of any of the regulatory requirements specified in section 64463.1(a), 64463.4(a), or 64463.7(a) in a portion of the distribution system that is physically or hydraulically isolated from other parts of the distribution system may limit distribution of the notice to only persons served by that portion of the system that is out of compliance, if the State Board has granted written approval on the basis of a review of the water system and the data leading to the violation or occurrence for which notice is being given.
- (e) Each water system shall give new customers public notice of any acute violation as specified in section 64463.1(a) that occurred within the previous thirty days, any continuing violation, the existence of a variance or exemption, and/or any other ongoing occurrence that the State Board has determined poses a potential risk of adverse effects on human health [based on a review of estimated exposures and toxicological data associated with the contaminant(s)] and requires a public notice. Notice to new customers shall be given as follows:
- (1) Community water systems shall give a copy of the most recent public notice prior to or at the time service begins; and
- (2) Noncommunity water systems shall post the most recent public notice in conspicuous locations for as long as the violation, variance, exemption, or other occurrence continues.

#### Section 64463.4. Tier 2 Public Notice states:

- (a) A water system shall give public notice pursuant to this section if any of the following occurs:
  - (1) Any violation of the MCL, MRDL, and treatment technique requirements, except:
    - (A) Where a Tier 1 public notice is required under section 64463.1; or
    - (B) Where the State Board determines that a Tier 1 public notice is required, based on potential health impacts and persistence of the violations;
  - (2) All violations of the monitoring and testing procedure requirements in sections 64421 through 64426.1, article 3 (Primary Standards Bacteriological Quality), for which the State Board determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations;
  - (3) Other violations of the monitoring and testing procedure requirements in this chapter, and chapters 15.5, 17 and 17.5, for which the State Board determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations; or
  - (4) Failure to comply with the terms and conditions of any variance or exemption in place.
- (b) A water system shall give the notice as soon as possible within 30 days after it learns of a violation or occurrence specified in subsection (a), except that the water system may request an extension of up to 60 days for providing the notice. This extension would be subject to the State Board's written approval based on the violation or occurrence having been resolved and the State Board's determination that public health and welfare would in no way be adversely affected. In addition, the water system shall:

- (1) Maintain posted notices in place for as long as the violation or occurrence continues, but in no case less than seven days;
- (2) Repeat the notice every three months as long as the violation or occurrence continues. Subject to the State Board's written approval based on its determination that public health would in no way be adversely affected, the water system may be allowed to notice less frequently but in no case less than once per year. No allowance for reduced frequency of notice shall be given in the case of a total coliform MCL violation or violation of a Chapter 17 treatment technique requirement; and
- (3) For turbidity violations pursuant to sections 64652.5(c)(2) and 64653(c), (d) and (f), as applicable, a water system shall consult with the State Board as soon as possible within 24 hours after the water system learns of the violation to determine whether a Tier 1 public notice is required. If consultation does not take place within 24 hours, the water system shall give Tier 1 public notice within 48 hours after learning of the violation.
- (c) A water system shall deliver the notice, in a manner designed to reach persons served, within the required time period as follows:
  - (1) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by;
    - (A) Mail or direct delivery to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system; and
    - (B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):
      - 1. Publication in a local newspaper;
      - 2. Posting in conspicuous public places served by the water system, or on the Internet; or
      - 3. Delivery to community organizations.
  - (2) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, noncommunity water systems shall give the public notice by:
    - (A) Posting in conspicuous locations throughout the area served by the water system; and
    - (B) Using one or more of the following methods to reach persons not likely to be reached by a public posting:
      - 1. Publication in a local newspaper or newsletter distributed to customers;
      - 2. E-mail message to employees or students;
      - 3. Posting on the Internet or intranet; or
      - 4. Direct delivery to each customer.

#### Section 64463.7. Tier 3 Public Notice states:

- (a) Each water system shall give public notice pursuant to this section if any of the following occurs:
  - (1) Monitoring violations;
- (2) Failure to comply with a testing procedure, except where a Tier 1 public notice is required pursuant to section 64463.1 or the State Board determines that a Tier 2 public notice is required pursuant to section 64463.4; or
  - (3) Operation under a variance or exemption.
- (b) Each water system shall give the public notice within one year after it learns of the violation or begins operating under a variance or exemption.
- (1) The water system shall repeat the public notice annually for as long as the violation, variance, exemption, or other occurrence continues.

- (2) Posted public notices shall remain in place for as long as the violation, variance, exemption, or other occurrence continues, but in no case less than seven days.
- (3) Instead of individual Tier 3 public notices, a water system may use an annual report detailing all violations and occurrences for the previous twelve months, as long as the water system meets the frequency requirements specified in this subsection.
- (c) Each water system shall deliver the notice in a manner designed to reach persons served within the required time period, as follows:
- (1) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by
- (A) Mail or direct delivery to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system; and
- (B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):
  - 1. Publication in a local newspaper;
- 2. Posting in conspicuous public places served by the water system, or on the Internet; or
  - 3. Delivery to community organizations.
- (2) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, noncommunity water systems shall give the public notice by:
- (A) Posting in conspicuous locations throughout the area served by the water system; and
- (B) Using one or more of the following methods to reach persons not likely to be reached by a posting:
  - 1. Publication in a local newspaper or newsletter distributed to customers;
  - 2. E-mail message to employees or students;
  - 3. Posting on the Internet or intranet; or
  - 4. Direct delivery to each customer.
- (d) Community and nontransient-noncommunity water systems may use the Consumer Confidence Report pursuant to sections 64480 through 64483, to meet the initial and repeat Tier 3 public notice requirements in subsection 64463.7(b), as long as the Report meets the following:
- (1) Is given no later than one year after the water system learns of the violation or occurrence:
  - (2) Includes the content specified in section 64465; and
  - (3) Is distributed pursuant to paragraph (b)(1) and (2) or subsection (c).

#### Section 64465. Public Notice Content and Format states:

- (a) Each public notice given pursuant to this article, except Tier 3 public notices for variances and exemptions pursuant to subsection (b), shall contain the following:
  - (1) A description of the violation or occurrence, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);
  - (2) The date(s) of the violation or occurrence;
  - (3) Any potential adverse health effects from the violation or occurrence, including the appropriate standard health effects language from appendices 64465-A through G;
  - (4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in drinking water;
  - (5) Whether alternative water supplies should be used;
  - (6) What actions consumers should take, including when they should seek medical help, if known;

- (7) What the water system is doing to correct the violation or occurrence;
- (8) When the water system expects to return to compliance or resolve the occurrence;
- (9) The name, business address, and phone number of the water system owner, operator, or designee of the water system as a source of additional information concerning the public notice;
- (10) A statement to encourage the public notice recipient to distribute the public notice to other persons served, using the following standard language: —Please share this information with all the other people who drink this water, especially those who may not have received this public notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail; and
- (11) For a water system with a monitoring and testing procedure violation, this language shall be included: "We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During [compliance period dates], we ['did not monitor or test' or 'did not complete all monitoring or testing'] for [contaminant(s)], and therefore, cannot be sure of the quality of your drinking water during that time." ...
- (c) A public water system providing notice pursuant to this article shall comply with the following multilingual-related requirements:
  - (2) For a Tier 2 or Tier 3 public notice:
    - (A) The notice shall contain information in Spanish regarding the importance of the notice, or contain a telephone number or address where Spanish-speaking residents may contact the public water system to obtain a translated copy of the notice or assistance in Spanish; and
    - (B) When a non-English speaking group other than Spanish-speaking exceeds 1,000 residents or 10 percent of the residents served by the public water system, the notice shall include:
      - 1. Information in the appropriate language(s) regarding the importance of the notice; or
      - 2. A telephone number or address where such residents may contact the public water system to obtain a translated copy of the notice or assistance in the appropriate language; and
  - (3) For a public water system subject to the Dymally-Alatorre Bilingual Services Act, Chapter 17.5, Division 7, of the Government Code (commencing with section 7290), meeting the requirements of this Article may not ensure compliance with the Dymally-Alatorre Bilingual Services Act.
- (d) Each public notice given pursuant to this article shall:
  - (1) Be displayed such that it catches people's attention when printed or posted and be formatted in such a way that the message in the public notice can be understood at the eighth-grade level;
  - (2) Not contain technical language beyond an eighth-grade level or print smaller than 12 point; and
  - (3) Not contain language that minimizes or contradicts the information being given in the public notice.

#### Section 64469. Reporting Requirements states:

- (a) Analytical results of all sample analyses completed in a calendar month shall be reported to the State Board no later than the tenth day of the following month.
- (b) Analytical results of all sample analyses completed by water wholesalers in a calendar month shall be reported to retail customers and the State Board no later than the tenth day of the following month.

- (c) Analytical results shall be reported to the State Board electronically using the Electronic Deliverable Format as defined in The Electronic Deliverable Format [EDF] Version 1.2i Guidelines & Restrictions dated April 2001 and Data Dictionary dated April 2001.
- (d) Within 10 days of giving initial or repeat public notice pursuant to Article 18 of this Chapter, except for notice given under section 64463.7(d), each water system shall submit a certification to the State Board that it has done so, along with a representative copy of each type of public notice given.

#### Section 64481. Content of the Consumer Confidence Report states in relevant part:

- (g) For the year covered by the report, the Consumer Confidence Report shall note any violations of paragraphs (1) through (7) and give related information, including any potential adverse health effects, and the steps the system has taken to correct the violation.
  - (1) Monitoring and reporting of compliance data.

#### **APPENDIX 2. NOTIFICATION TEMPLATE**

#### IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable. Por favor hable con alguien que lo pueda tradúcir.

## Iron Monitoring Requirements Not Met for Feather Ridge Estates During 2018

Our water system failed to monitor as required for drinking water standards during the second and fourth quarters of 2018 and, therefore was in violation of the regulations. Although this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what we did to correct the situation.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During the second and fourth quarters of 2018, we did not collect an iron sample and therefore, cannot be sure of the quality of our drinking water during that time.

#### What should I do?

- There is nothing you need to do at this time.
- The table below lists the contaminant we did not properly test for during the calendar year 2018, how many samples we are required to take and how often, how many samples we took, when samples should have been taken, and the date on which follow-up samples were OR will be taken.

Contaminant	Required sampling frequency	Number of samples taken	When all samples should have been taken	When samples were OR will be taken
Iron	1 quarterly sample, sample was due the second and fourth quarter	None	During April-Jun & Oct-Dec	

If you have health issues concerning the consumption of this water, you may wish to consult
your doctor.

What happened? What is being done?					
[Describe corrective action]					
We anticipate resolving the problem within [estimated time frame]					
For more information, please contact:					
Name of ContactKeith and Sue Mullin					
Phone Number530-589-5997					
Mailing AddressP.O. Box 153, Berry Creek, 95916					
Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.					
Secondary Notification Requirements					
Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:					
<ul> <li>SCHOOLS: Must notify school employees, students, and parents (if the students are minors).</li> </ul>					
<ul> <li>RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.</li> </ul>					
<ul> <li>BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.</li> </ul>					
This notice is being sent to you by Feather Ridge Estates in compliance with the California Domestic Water Quality and Monitoring Regulations as a means of keeping the public informed.					
State Water System ID: 04-00081 Date distributed:					

#### APPENDIX 3. COMPLIANCE CERTIFICATION

Citation Number: 01\_34\_19C\_001\_0400081\_3
Name of Water System: Feather Ridge Estates

System Number: 04-00081

#### Certification

I certify that the users of the water supplied by this water system were notified of the iron monitoring violation of California Code of Regulations, Title 22, Section 64449 for the second and fourth quarters of 2018 and the required actions listed below were completed.

Required Action	Date Completed
(Citation Directive 1) Public Notification Method(s) Used:	
(Citation Directive 3) Iron Sample Collection Date:	
Signature of Water System Representative	Date

Attach a copy of the public notice distributed to the water system's customers.

## THIS FORM MUST BE COMPLETED AND RETURNED TO BUTTE COUNTY ENVIRONMENTAL HEALTH, NO LATER THAN MARCH 28, 2019

**Disclosure:** Be advised that the California Health and Safety Code, Sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than \$25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.